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May 1, 2008

OFFICE OF HEARINGS AND APPEALS

Hearing Officer's Decision

Name of Case:	Personnel Security Hearing
Date of Filing:	May 4, 2006
Case Number:	TSO-0560

This Decision concerns the continued eligibility of XXXXXXXXXXXXXXXX (hereinafter referred to as "the individual") to hold an access authorization (or "security clearance") under the regulations set forth at 10 C.F.R. Part 710, entitled "Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material." As set forth below, it is my decision, based on the evidence and testimony presented in this proceeding, that the individual's access authorization should not be granted at this time.

I. Background

The individual is employed by a Department of Energy (DOE) contractor who has requested a security clearance for the individual. An investigation into the individual's eligibility for access authorization uncovered potentially derogatory information. In order to resolve the security concern arising from the investigation, DOE conducted a Personnel Security Interview (PSI) with the individual in September 2006. The PSI did not resolve the concerns and, in May 2007, a DOE consultant-psychiatrist evaluated the individual and completed a report of her evaluation (Report). The psychiatrist opined that the individual had been and currently is a user of alcohol habitually to excess, and also diagnosed the individual with alcohol dependence and marijuana dependence without adequate evidence of rehabilitation or reformation. The local DOE security office also noted inconsistencies in the answers that the individual gave in his PSI and Questionnaire for National Security Position (QNSP).

In November 2007, DOE sent the individual a letter informing him how to proceed to resolve the derogatory information that had created a doubt regarding his eligibility for access authorization. Notification Letter (March 2, 2006). The Notification Letter stated that the derogatory information regarding the individual falls within the purview of 10 C.F.R. § 710.8(f), (h), (j), and (k) (Criteria F, H, J, and K).¹ In this regard, the Notification Letter

¹ Criterion F refers to information that a person "[d]eliberately misrepresented, falsified, or omitted significant information from a Personnel Security Questionnaire, a Questionnaire for Sensitive National Security Positions, a personnel qualifications statement, a personnel security interview, written or oral statements made in response to official inquiry on a matter that is relevant to a determination regarding eligibility for DOE access authorization, or proceedings conducted pursuant to § 710.20 thru 710.30." 10 C.F.R. § 710.8(f). Criterion H refers to "[a]n illness or mental condition of a nature which, in the opinion of a psychiatrist or licensed clinical

cites: (1) the opinion of the DOE consultant-psychiatrist that the individual has been a user of alcohol habitually to excess and her diagnosis that the individual suffers from alcohol dependence without rehabilitation or reformation; (2) the individual's admission of marijuana use and the DOE psychiatrist's diagnosis that the individual meets the criteria for marijuana dependence without rehabilitation or reformation; (3) the opinion of the DOE psychiatrist that the individual's substance dependence is an illness or mental condition that causes or may cause a defect in his judgment or reliability; and (4) inconsistencies between the individual's responses on his QNSP and his answers in his PSI.

In a letter to DOE Personnel Security, the individual exercised his right under Part 710 to request a hearing in this matter. 10 C.F.R. § 710.21(b). The Director of OHA appointed me as Hearing Officer in this case. After conferring with the individual and the appointed DOE counsel, 10 C.F.R. § 710.24, I set a hearing date. At the hearing, the DOE consultant-psychiatrist (DOE psychiatrist) testified on behalf of the agency. The individual testified on his own behalf and called his wife, a psychiatrist, four co-workers, and two friends as witnesses. The transcript taken at the hearing shall be hereinafter cited as "Tr." Various documents that were submitted by the DOE counsel during this proceeding constitute exhibits to the hearing transcript and shall be cited as "Ex." Documents submitted by the individual are cited as "Ind. Ex."

II. Analysis

The applicable regulations state that "[t]he decision as to access authorization is a comprehensive, common-sense judgment, made after consideration of all relevant information, favorable or unfavorable, as to whether the granting of access authorization would not endanger the common defense and security and would be clearly consistent with the national interest." 10 C.F.R. § 710.7(a). Although it is impossible to predict with absolute certainty an individual's future behavior, as the Hearing Officer I am directed to make a predictive assessment. There is a strong presumption against the granting or restoring of a security clearance. See *Department of Navy v. Egan*, 484 U.S. 518, 531 (1988) ("clearly consistent with the national interest" standard for the granting of security clearances indicates "that security determinations should err, if they must, on the side of denials"); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991) (strong presumption against the issuance of a security clearance).

I have thoroughly considered the record of this proceeding, including the submissions of the parties, the evidence presented and the testimony of the witnesses at the hearing convened in this matter. In resolving the question of the individual's eligibility for access

psychologist, causes or may cause a significant defect in judgment or reliability." 10 C.F.R. § 710.8 (h). Criterion J refers to information that the individual has been or is a user of alcohol habitually to excess, or has been diagnosed by a board-certified psychiatrist, or other licensed physician or a licensed clinical psychologist as alcohol dependent or as suffering from alcohol abuse. 10 C.F.R. § 710.8 (j). Criterion K refers to information that the individual has trafficked in, sold, transferred, possessed, used or experimented with a drug or other controlled substance except as prescribed or administered by a physician or otherwise authorized by Federal law. 10 C.F.R. § 710.8 (k).

authorization, I have been guided by the applicable factors prescribed in 10 C.F.R. § 710.7(c): the nature, extent, and seriousness of the conduct; the circumstances surrounding the conduct, to include knowledgeable participation; the frequency and recency of the conduct; the age and maturity of the individual at the time of the conduct; the voluntariness of the participation; the absence or presence of rehabilitation or reformation and other pertinent behavioral changes; the motivation for the conduct; the potential for pressure, coercion, exploitation, or duress; the likelihood of continuance or recurrence; and other relevant and material factors. After due deliberation, it is my decision that the individual's access authorization should not be restored at this time because I cannot conclude that such a restoration would not endanger the common defense and security and would be clearly consistent with the national interest. 10 C.F.R. § 710.27(a). The specific findings that I make in support of this determination are discussed below.

A. Findings of Fact

The individual drank alcohol on the weekends while in high school, usually consuming six 12-ounce beers on Friday and Saturday. Ex. 7 at 2. He also used peyote and mushrooms a few times, and smoked marijuana regularly. Ex. 8 (PSI Tr.) at 40, 42, 85, 92. By the time he graduated, he was smoking marijuana daily. *Id.* at 40, 42. In the fall of 1998, he enrolled in college. *Id.* at 45. During his first semester at college, he was intoxicated nearly every day. He regularly drank ten 16-ounce beers during the day, and then in the evening consumed the same amount of beer in addition to four or five one-ounce shots of liquor. Report at 3. He also tried hashish and cocaine during this time. PSI Tr. at 85, 92. One night in 1998, the individual had been out drinking with his brother and some friends. They were riding in the individual's car, and a policeman stopped the car for a traffic infraction. The officer found beer inside and arrested all of the occupants. The individual was 18 years old at the time and was charged with Minor in Possession of Alcohol. He was ordered to perform community service, pay a fine, and attend a substance abuse class. PSI Tr. at 21-23.

The individual flunked out of college after his first semester and, in January 1999, he enrolled in a college near his hometown. Because he was living at home, he limited his alcohol consumption to six 12-ounce beers per weekend. He continued to use marijuana daily. Report at 5; PSI Tr. at 28-31, 49-51, 67-76. By 2001, he had decreased his alcohol use to once or twice per month. Report at 4. That year, the individual was working for a local company. PSI Tr. at 78. He admitted that during lunch hours, he and some of his colleagues would smoke marijuana. In October 2001, the individual was riding in a car with some of those colleagues at lunch, and the police stopped the vehicle in the company parking lot. The officer searched the car and found a small quantity of marijuana, which he confiscated. The individual was cited for no insurance, no signal, and no seatbelt. Ex. 4 at 2; PSI Tr. at 18-20, 102-103. A manager at the company observed the incident and the following day the company fired him.

The individual continued using marijuana daily until October 2002, when he told his then fiancée that he would stop smoking marijuana. *Id.* at 28-31. He married in 2003. *Id.* at 29. Despite his promise, the individual used marijuana a few times in 2003 and 2004. PSI

Tr. at 28. However, in mid-2004, according to the individual, he stopped smoking marijuana completely. *Id.* at 50, 79.

In November 2004, the individual began working for the contractor. Ex. 7 at 3. The contractor requested a clearance for the individual and he completed a QNSP in August 2005. In the QNSP, he stated that: (1) he last used marijuana in October 2002; (2) he had never used any illegal drugs other than marijuana; (3) he had never purchased illegal drugs; (4) he had never been charged with or convicted of any offense related to alcohol or drugs; and (5) he had never attended any alcohol-related treatment or counseling in the previous seven years. Ex. 7.

In September 2006, the individual participated in a PSI. Ex. 8. During the PSI, he admitted that: (1) he used marijuana a couple of times in 2003 and 2004; (2) he used peyote, hashish, and cocaine in the past; (3) he purchased illegal drugs in the past; (4) he was charged with Minor in Possession of Alcohol in 1998; and (5) he had attended a court-ordered substance abuse class led by a counselor after his arrest in 1998. The individual agreed to a psychiatric evaluation conducted by a DOE consultant-psychiatrist. PSI Tr. at 119.

The DOE psychiatrist evaluated the individual in May 2007 and concluded that he had been a user of alcohol habitually to excess in the past and that he met the criteria for alcohol dependence, in sustained partial remission, and also for marijuana dependence, in sustained partial remission. Ex. 10 (Report) at 17-20. According to the psychiatrist, both are mental conditions which cause or may cause a significant defect in judgment or reliability. The DOE psychiatrist also concluded that the individual did not show adequate evidence of rehabilitation or reformation from either diagnosis. *Id.*

In order to show adequate evidence of rehabilitation from alcohol dependence, the DOE psychiatrist recommended that the individual either: (1) attend Alcoholics Anonymous (AA) with a sponsor at least twice a week for a minimum of 100 hours in a year and abstain from alcohol for an additional year; or (2) complete a six-month alcohol treatment program and abstain for eighteen months after completion. *Id.* at 18. In order to demonstrate reformation from his alcohol problem, the DOE psychiatrist recommended that the individual abstain for three years, or abstain for two years if he attends one of the two rehabilitation programs described above. Report at 18.

As adequate evidence of rehabilitation from marijuana dependence, the DOE psychiatrist recommended that the individual attend 100 hours of Narcotics Anonymous, with a sponsor, twice a week for one year and abstain for one additional year, or (2) attend a 50 hour program for six months and stay sober for an additional 18 months. To demonstrate adequate evidence of reformation, the DOE psychiatrist recommended that he abstain from drugs for three years, or for two years if he does not attend any substance abuse program. Report at 19-20.

B. DOE's Security Concerns

The LSO invoked Criterion F because the individual presented inconsistent answers on his QNSP and during his PSI. There are substantial security concerns in the case of an individual who is not forthcoming with security personnel. "Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulation can raise questions about an individual's reliability, trustworthiness and ability to protect classified information." See Attachment to Memorandum from Assistant to the President for National Security Affairs, "Revised Adjudicative Guidelines for Determining Eligibility for Access to Classified Information," at ¶ 15 (December 29, 2005) (Revised Adjudicative Guidelines).

As for Criterion H, the LSO alleges, based on the opinion of the DOE psychiatrist, that the individual suffers from two conditions (marijuana dependence and alcohol dependence) that cause, or may cause a significant defect in his judgment or reliability. Certain mental conditions such as these can impair judgment, reliability or trustworthiness. See Revised Adjudicative Guidelines, Guideline I at ¶ 27.

The diagnosis of alcohol dependence also raises a security concern under Criterion J, which relates to excessive alcohol use. "Because the use of alcohol at the very least has the potential to impair a user's judgment and reliability, individuals who use alcohol to excess may be susceptible to being coerced or exploited to reveal classified matters. These security concerns are indeed important and have been recognized by a number of Hearing Officers in similar cases." *Personnel Security Hearing*, OHA Case No. VSO-0417, 28 DOE ¶ 82,798 (2001), quoting *Personnel Security Hearing*, OHA Case No. VSA-0281, 27 DOE ¶ 83,030 at 86,644 (2000); see also Revised Adjudicative Guidelines at ¶ 21.

Criterion K indicates a security concern relating to the individual's admitted use and possession of illegal drugs. Illegal drug use may cause an individual to act in a manner that is inconsistent with the best interests of national security while under the influence of such substances. See Revised Adjudicative Guidelines at ¶ 24. The individual's admission of marijuana use and the psychiatric diagnosis of marijuana dependence validate the charges under Criterion K. Report at 17; see Revised Adjudicative Guidelines at ¶¶ 25, 27, 28. For the reasons above, I find that the LSO properly invoked Criterion F, H, J and K in this case.

C. Hearing Testimony

1. The Individual's Psychiatrist

The individual presented the testimony of a psychiatrist who evaluated him during a two-hour interview in June 2007. Tr. at 99-130; see also Ind. Ex. 1. The individual's psychiatrist reviewed the report of the DOE psychiatrist, and agreed with her diagnosis that the individual met the criteria for alcohol dependence and for marijuana dependence. *Id.* at 101-102. However, the individual's psychiatrist argued that the DOE psychiatrist did not place enough emphasis on the "broader picture," and emphasized that the substance abuse occurred when the individual was very young. *Id.* at 104. The individual is now an

adult and no longer engages in problem behaviors. *Id.* at 102-104. The psychiatrist testified that a diagnosis of alcohol dependence persists until full remission, which occurs after 12 months of abstinence. *Id.* at 103. Thus the individual, with only five months of abstinence, is in partial remission. As regards his alcohol use, the individual's psychiatrist testified that alcohol was not a problem at that time, and did not interfere with his judgment, ability to work, or to get along with others. *Id.* at 120. He concluded that the individual was in sustained partial remission from alcohol dependence with a low risk of relapse at the time of the hearing, but with a moderate to high probability of relapse if he experiences any problems in his marriage or in his career. *Id.* at 126-128.

On the other hand, the individual's psychiatrist found that the individual was in sustained full remission from marijuana dependence, having abstained since 2004. According to the expert, the individual developed skills on his own to avoid marijuana, motivated by a good marriage and a good job. The individual's psychiatrist found no indication that the problem would recur. *Id.* at 113.

2. The Individual

The individual discussed his high school years, and explained that drug and alcohol use was common in the town where he went to high school. *Id.* at 150. He testified that he stopped using marijuana before he started his job with the contractor, and that he sincerely desires to improve himself and to maintain his current lifestyle, with the help of his wife and family. *Id.* at 155.

According to the individual, he last consumed alcohol in July 2007 at a barbecue. *Id.* at 158. He last used drugs (other than marijuana) in 1998 or 1999. *Id.* at 159. He testified that he flunked out of college in 1998 due to excessive alcohol use, but has been attending college level classes and is doing well. *Id.* at 161. He drank 10 shots of whiskey at a family celebration in May 2007 because he did not consider his alcohol consumption a problem. *Id.* at 168, 179. He maintained that it would be pointless for him to attend any alcohol treatment program because he is neither alcoholic nor alcohol dependent. *Id.* at 157. He testified that he cannot be blackmailed because his family knows about his substance abuse. *Id.* at 177.

The individual explained that he did not mention his 2004 marijuana use on his QNSP because he had only used marijuana a couple of times in 2004. *Id.* at 172. He also testified that someone in the LSO advised him that he could disclose everything at the PSI.

3. Other Witnesses

Two friends of the individual testified about how the individual had changed his life after graduating from high school. *Id.* at 53-83. They met the individual in high school, and described him as a young man who used marijuana and alcohol regularly, as did most of the students in their small, rural high school. *Id.* at 58, 82. They both said that the individual had always been honest, trustworthy and dependable and that he matured very much over the years, especially since he married. They testified that they had not seen him drink alcohol since July 2007, and that they had not seen him use marijuana or

associate with drug users since he graduated from high school. The witnesses maintained that the individual's personality is the same, but that his activities have changed. *Id.* at 66. The individual's wife testified that she met the individual in 2000 and married him in 2003. Tr. at 130-147. She knew that he smoked marijuana, and asked him not to use drugs around her because she does not approve of drug use. She drinks alcohol, but not often. She last saw the individual drink alcohol in July 2007, five months prior to the hearing.

Three colleagues testified and all spoke highly of the individual and his work ethic, maturity and responsibility. They had all seen him drink responsibly at social events and had never seen him intoxicated. Tr. at 15-19, 29-30, 38-42, 89-90. They last saw him consume alcohol in July 2007 at a barbecue given by one of the witnesses. They described him as very honest, even about his past drug and alcohol use. *Id.* at 20, 31, 44, 50, 94. They testified that they would be aware if the individual was using drugs now. *Id.* at 32, 94-95. One witness confirmed that the individual experienced some confusion on completing his QNSP. *Id.* at 49-50.

4. The DOE Psychiatrist

The DOE psychiatrist was present during the entire hearing and heard the testimony of all witnesses. She reaffirmed her original diagnoses of alcohol dependence and marijuana dependence. *Id.* at 187. After listening to the testimony, she concluded that the individual is still alcohol dependent, but is now in early full remission because he had five months of abstinence. *Id.* at 210. If he continues to abstain, he will achieve sustained full remission (12 months of abstinence) in July 2008. *Id.* She argued that without a sustained period of abstinence, the individual is at high to moderate risk of relapse. *Id.* at 193. The DOE psychiatrist emphasized that even the individual's psychiatrist agreed that the individual faces a moderate to high risk of relapse if any stressors appear in his life. *Id.* at 194. She voiced concern that the individual is at risk of relapse because he does not understand the disease of alcohol dependence and does not understand why he needs treatment. *Id.* at 209. According to the DOE psychiatrist, someone with a good understanding of the disease lowers their risk of relapse because they understand "the full picture" of the disease. *Id.* at 209.

The DOE psychiatrist reflected on the testimony of the witnesses that the individual had not used marijuana since 2004. She found the testimony credible, and concluded that the individual presented adequate evidence of reformation from marijuana dependence because he has been in sustained full remission from that diagnosis for over three years. *Id.* at 209.

D. Mitigating Evidence

1. Criterion J - Alcohol Use

In a Part 710 proceeding, the Hearing Officer gives great deference to the expert opinions of mental health professionals regarding rehabilitation or reformation. See *Personnel Security Hearing*, Case No. VSO-0476, 28 DOE ¶ 82,827 (2001). In this case, both psychiatrists agreed that the individual was accurately diagnosed with alcohol dependence.

The individual's psychiatrist testified that even though the individual is in sustained partial remission because he last consumed alcohol five months ago, his current behavior presents a low risk of relapse. The DOE psychiatrist, on the other hand, argued that the individual has not shown adequate evidence of rehabilitation or reformation from alcohol dependence because he has only been abstinent for five months and because he has not had any alcohol treatment. After careful review of the record, I agree with the conclusion of the DOE psychiatrist.

Although I find that the individual and his witnesses presented credible testimony of the individual's abstinence, I cannot conclude that the individual has mitigated the security concerns surrounding his alcohol dependence. First, five months of abstinence is insufficient to demonstrate that his behavior has changed. Even the individual's expert testified that a minimum of one year of abstinence is necessary for full remission of alcohol dependence. See *Personnel Security Hearing*, OHA Case No. TSO-0354, 29 DOE ¶ 82,956 (2006) (four months abstinence insufficient to demonstrate sobriety when experts recommend at least one year of sobriety for reformation of alcohol dependence). Second, he denies that he is alcohol dependent, even though two psychiatrists have diagnosed him as such. This level of denial impedes his understanding of alcohol dependence, and could prevent him from avoiding a relapse in the future. See *Personnel Security Hearing*, OHA Case No. TSO-0430, 29 DOE ¶ 83,016 (2007) (stating that an alcohol dependent individual in denial about his condition cannot address problem of dependence). Finally, he has not had any alcohol treatment or education, and does not believe it would help him. *Personnel Security Hearing*, OHA Case No. TSO-0430, 29 DOE ¶ 83,016 (2007) (finding that individual who exhibited denial and failed to participate in treatment program had not reformed). I agree with the DOE psychiatrist that this attitude contributes to a risk of relapse that is unacceptably high. *Personnel Security Hearing*, OHA Case No. TSO-0257 29 DOE ¶ 82,950 at 86,476 (2006) (finding that individual who "underestim[ed] the tenacity of his alcohol dependence" did not demonstrate adequate evidence of rehabilitation or reformation). The individual's psychiatrist noted that his risk of relapse is low as long as stressors in his life remain the same. However, there is no guarantee that the individual will not encounter problems in life that could cause him, without the lessons learned from alcohol treatment, to relapse. Therefore, I find that the individual has not mitigated the security concerns of Criterion J.

2. Criterion K - Use of Marijuana

In this case, both psychiatrists agreed that the individual met the diagnostic criteria for marijuana dependence. They also found the individual to be credible when he described how he had stopped using marijuana in 2004. Both professionals agreed that he is currently in full remission and now shows adequate evidence of reformation from the diagnosis of marijuana dependence. I find that the individual has demonstrated his intent not to abuse drugs in the future. I further find that there is no evidence in the record that he has used drugs since 2004. Therefore, based on the above and a review of the record, I find that the individual has mitigated the Criterion K security concerns related to his marijuana use. See Revised Adjudicative Guidelines at ¶ 26.

3. Criterion H – Illness or Mental Condition

The DOE psychiatrist found that marijuana dependence and alcohol dependence were illnesses that cause or could cause a significant defect in the individual's judgment and reliability. However, at the conclusion of the hearing, the DOE psychiatrist found that the individual provided adequate evidence of reformation from marijuana dependence. Thus, I conclude that the individual has mitigated the Criterion H concern related to the diagnosis of marijuana dependence. However, because the individual has not presented adequate evidence of rehabilitation or reformation from alcohol dependence, the Criterion H concern related to his alcohol dependence still exists and has not been mitigated.

4. Criterion F - Falsification

The LSO set forth five instances of inconsistent answers during the application process. See, *supra*, § II. A. Cases involving verified falsifications require the Hearing Officer to look at the statements of the individual, the facts surrounding the falsification and the individual's subsequent actions in order to assess whether a person has rehabilitated himself from the falsehood and whether granting the security clearance would pose a threat to national security. See *Personnel Security Hearing*, Case No. VSO-0440, 28 DOE ¶ 82,807 (2001) (affirmed by OSA, 2001). The key issue is whether the individual has brought forth evidence in the record to demonstrate that he can be trusted to be consistently honest with the DOE. See *Personnel Security Hearing*, Case No. VSO-0442, 28 DOE ¶ 82,815 (2001) (affirmed by OSA, 2001).

There are factors in the record that mitigate some of the security concerns of Criterion F. All witnesses considered the individual to be a mature, trustworthy and reliable person. He was a credible witness who was very honest and straightforward about his past behavior, and remorseful of the conduct that led DOE to question his judgment and honesty. He maintains that he received improper advice from someone in the LSO who told him that he could disclose all of his derogatory information during the PSI, which he did. The individual did not disclose his 1998 arrest on the QNSP because the jurisdiction where he was arrested had no record of the incident. PSI Tr. at 34. See *Personnel Security Hearing*, Case No. TSO-0443, 29 DOE ¶ 83,069 at 87,070 (2007) (falsification on QNSP partially mitigated because individual believed his juvenile court record was stricken). Thus, I conclude that there was some honest confusion on the part of the individual about how to complete the QNSP. In addition, because the individual has discussed his drug and alcohol use with family and friends, I find that the individual is not vulnerable to exploitation, manipulation or duress. Based on the credible testimony of the individual and his witnesses, and the evidence in the record of the positive reformation of his behavior, I find that the unusual conduct is not likely to recur. See Revised Adjudicative Guidelines, ¶ 17 (b), (d).

Notwithstanding the above, I cannot find that the individual has completely mitigated the security concern regarding his omissions. The individual deliberately omitted information about some of his earlier drug use because he did not take it seriously, calling it "kid stuff." PSI Tr. at 112. He did not credibly explain his failure to disclose other drug-related activity, such as his use of cocaine and hash, his purchases of marijuana, and his post-2002 use of

marijuana, that occurred within the last seven years.² *Id.* at 80. He testified that he did not disclose his 2003 and 2004 marijuana use on the QNSP because it was minimal. Tr. at 172. Therefore, even though he disclosed all of his drug use during the September 2006 PSI, the individual had maintained this falsification since August 2005. Further, there is no indication in the record that he would have volunteered the truth, absent the PSI. Therefore, I find that, because these omissions occurred fairly recently, more time is needed to demonstrate a pattern of truthfulness. *See Personnel Security Hearing*, OHA Case No. TSO-0375, 29 DOE ¶ 83,026 at 86,852 (2007) (finding of no mitigation of Criterion F security concerns because individual did not voluntarily correct the falsification and falsification was recent).

III. Conclusion

After evaluating the evidence in this case, I find that the individual has mitigated the security concerns of Criterion K, and that portion of the Criterion H concern that relates to marijuana dependence. 10 C.F.R. § 710.8 (h), (k). However, he has not presented sufficient evidence to mitigate the concerns that caused DOE to invoke Criteria F and J. Thus, in view of the unresolved concerns of Criteria F and J and the unresolved Criterion H concerns relating to alcohol dependence, and the entire record before me, I cannot conclude that granting the individual's access authorization would not endanger the common defense and security and would be consistent with the national interest. Accordingly, I find that the individual's access authorization should not be granted at this time. Any party may seek review of this Decision by an Appeal Panel under the procedures set forth at 10 C.F.R. § 710.28.

Valerie Vance Adeyeye
Hearing Officer
Office of Hearings and Appeals

Date: May 1, 2008

² During the PSI, the personnel security specialist reminded the individual that a cover letter to the QNSP directed him to disclose events within the past 10 years. PSI Tr. at 33. The individual agreed. *Id.* However, because that letter is not in the record, I base my findings on the seven-year timeframe set forth in the QNSP itself. *See* Ex. 7.